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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM**, an agency of
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION**,
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**DECLARATION OF
PROFESSOR ROBERT BAKER
IN SUPPORT OF PLAINTIFFS-
INTERVENORS' MOTION FOR
SUMMARY JUDGMENT**

JOHN DOE 1, et al.,

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION,**
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

I, Dr. Robert Baker, hereby declare and state as follows:

1. I am a Professor of Bioethics and the William D. Williams Professor of Philosophy at Union College and Director of the Union Graduate College-Icahn Mount Sinai School of Medicine Bioethics Program. I have been on the Union College faculty since 1973, where I teach courses on the history of medical ethics among other topics. I received a BA with Honors in History from the City College of New York and a PhD in Philosophy from the University of Minnesota. I have served as an American Philosophical Society fellow, an Institute for Health and Human Values fellow, an NYU Faculty Resources Network Scholar in Residence, a visiting scholar at the former Wellcome Institute for the History of Medicine in London, a senior scholar-in-residence at the American Medical Association Institute on ethics, and a College of Physicians of Philadelphia Wood Institute Fellow. I am a member of the American Philosophical Association, the American Association of Historians of Medicine, the International Association of Bioethics, and the American Society for Bioethics and Humanities, where I was founding chair, and currently co-chair, the Affinity Group on the History of Medical Ethics.

2. Much of my research has focused on the history of medical ethics. I have authored, coauthored, edited, and coedited several publications on this topic, including *The Cambridge World History of Medical Ethics* (coeditor); “Medical Ethics and Epidemics: A Historical Perspective” in *Ethics and Epidemics* (author and coeditor); and *The Codification of Medical Morality: Historical and Philosophical Studies of the Formalization Of Medical Morality in the Eighteenth and Nineteenth Centuries*, Volumes I and II (coeditor). I am currently in the final stages of authoring a book entitled *Before Bioethics: A History of American Medical Ethics from the Colonial Period to the Bioethics Revolution*. Two of my books on the history of medical ethics have been awarded a citation by *Choice*, the journal of archives and academic libraries, as an “outstanding” academic in its field. BioMedLib, a medical library reference service, cites one of my articles as the most cited in the history of medical ethics. I wrote the sections on the history of medical ethics and codes of medical ethics for several standard reference works in applied ethics, bioethics and the history of medicine, including the *Encyclopedia of the History of Medicine*, the *Encyclopedia of Applied Ethics* (2nd ed.), the forthcoming *Springer Compendium & Atlas of Global Bioethics*, and the *Encyclopedia of Bioethics* (4th ed.) To support my research I have been awarded a total of four National Endowment of the Humanities grants, three for my work in the history of medicine and medical ethics. A complete copy of my curriculum vitae is attached to this declaration.
3. I have been asked to offer my expertise regarding standards and practices of medical confidentiality in colonial and founding-era America.
4. Until 1765, there was no formal medical education in America and almost all “regularly educated” eighteenth century American physicians (to use the terminology of the period)

studied at the University of Edinburgh Medical School in Scotland or under someone who had trained there. A “regular physician,” is someone who received a Bachelors of Science degree or a Medical Doctorate from a university that has a curriculum similar to what one would expect a medical school to teach even today: anatomy, biology, chemistry, *materia medica*, physiology, and the theory of practice of physic (internal medicine) and surgery, supplemented by dissections, laboratory work, and clinical teaching at the bedside in hospitals.

5. The earliest American medical schools, such as those associated with Columbia University College of Physicians and Surgeons (founded 1767) and the University of Pennsylvania School of Medicine (founded 1765) were modeled after the University of Edinburgh Medical School and were started by physicians like Samuel Bard (1742-1821). Bard was George Washington’s physician during the period when New York City was the nation’s capital and routinely lectured his medical students at Columbia about medical ethics. We do not have an accurate census of the number of regularly educated physicians who studied medicine at Edinburgh or under someone educated there; however, by the end of the 18th century, virtually every physician with a medical degree in Philadelphia had either studied in Edinburgh or under someone who had studied there. Much the same was true in New York City. Turning southward: about 230 Virginia physicians studied at Edinburgh between 1765 and 1800, approximately half receiving formal degrees (the others typically studied between one and four years without receiving a degree). Although the number of irregularly trained medical practitioners exceeded these “regulars,” even in New York, Pennsylvania and Virginia, it was the degree-

holding Edinburgh-style “regularly educated” physicians, the “regulars,” as they referred to themselves, who created mainstream American medical ethics.

6. Beginning in the 1730s, Bard and every other medical student matriculated at the University of Edinburgh was required to sign or affirm an oath swearing to “practice physic [i.e. medicine] cautiously, chastely and honourably,” and “never, without great cause, to divulge anything that ought to be concealed, which may be heard or seen during professional attendance.”¹ Keeping patients’ medical information confidential was a central ethical requirement of physicians at the time. That tradition finds its roots in the Hippocratic Oath, written during the fourth or fifth century BCE, which included a requirement that the physician keep whatever is seen or heard in medical practice as “holy secrets.”
7. Physicians who had been educated at the University of Edinburgh, or by one of its alumni, were among the signers of the Declaration of Independence and delegates to the Constitutional Convention. Several physicians who signed the Declaration of Independence included Josiah Bartlett, Matthew Thornton, and Lyman Hall—and Benjamin Rush. Rush, who tended to George Washington’s troops at Valley Forge, was

¹ The full Edinburgh University Medical Oath, circa 1732-35 onwards, reads:

Tum porro artem medicam caute, caste, probeque excercitaturum, et quoad portero omnia ad aegrotorum corporum salutem conducentia cum fide procuraturum quae denique inter medendum visa vel audita silere convenit non sine gravi causa vulgaturum. Ita presens spondenti adsit numen.

[I A. B. do solemnly declare that I will] practice physic cautiously, chastely, and honourably; and faithfully to procure all things conducive to the health of the bodies of the sick; and lastly, never, without great cause, to divulge anything that ought to be concealed, which may be heard or seen during professional attendance. To this oath let the Deity be my witness.

an also alumnus of the University of Edinburgh and like Bard affirmed the Edinburgh Oath on matriculation.²

8. Rush was also a professor at the medical college associated with what is today the University of Pennsylvania and he regularly lectured his students on medical ethics. A collection of these lectures was published in 1811, and one of these, delivered as part of a course offered in 1801, “On the Duties of Patients to their Physicians,” addressed the physician-patient covenant. In this lecture Rush informed his students that patients were duty bound to confide in their physicians. “Let not a patient be afraid of making a physicians his friend,” by confiding in him, Rush explained to his students, for “in doing so they impose an obligation of secrecy upon him, and thus prevent his making public what he cannot avoid seeing or hearing.”³
9. Bard and Rush were the first two American physicians to publish on medical ethics. They were extraordinarily influential on physicians throughout colonial and post-colonial America. As one commentator wrote, between 1779 and 1812 Rush is credited with “exerting more influence on the medical profession that any other person during the quarter century following the [Revolutionary] War for Independence. His students practiced throughout the country from Massachusetts to Georgia,” i.e., from the northernmost and southernmost states in the union.⁴

² Affirmation was an alternative to signing for Quakers and others who believed that Christians could not sign oaths.

³ Rush, Benjamin [1801] 1811. “On the Duties of Patients to Their Physicians,” in *Sixteen Introductory Lectures upon the Institutes and Practice of Medicine, With a Syllabus of the Latter... Delivered in the University of Pennsylvania*. Cite at <http://archive.org/stream/2569048R.nlm.nih.gov/2569048R#page/n333/mode/2up/search/322>.

⁴ Brodsky, Alyn. 2004. *Benjamin Rush: Patriot and Physician*. New York: St. Martin’s Press, 278.

10. Three physicians are known to have attended the Constitutional Convention of 1787—James McClurg of Virginia (1746-1823), James McHenry of Maryland, (1753-1816) and Hugh Williamson of North Carolina (1735-1819). McHenry received his medical education studying under Dr. Rush, and McClurg received his medical degree at the University of Edinburgh and would have signed or affirmed the Edinburgh oath. These men would have been well acquainted with the traditional ethical precept of keeping patients' medical information confidential.
11. In the eighteenth century, physicians would write prescription orders for their patients to fill at apothecaries. Although I am not aware of any specific historical record regarding the confidentiality of such prescriptions, I presume based on my general knowledge of medical ethical principles at the time that the same expectations of medical privacy discussed above applied in this context.
12. The first medical societies came into existence during the colonial period but did not begin to formalize their understanding of medical ethics into formal codes until the early nineteenth century. The earliest formal code of medical ethics was issued in 1823 by the Medical Society of the State of New York (MSSNY)—which traces back to a Society of Weekly Practitioners founded during the colonial period by Samuel Bard and his father, John Bard (1716-1789). A special section of that code dealt with confidentiality with respect to physicians' testimony in courts of law.
13. The following is the section on *Forensic Medical Police* from the first American Code of Medical Ethics published by an American medical Society. This code was published in 1823 by the Medical Society of the State of New York.

XXII. There are numerous accidents and offences, the nature and degree of criminality of which are determined by medical opinion. ...A physician should

always be in readiness to answer in these jurisdictional inquisition, and to give an opinion, on facts referred to his judgment, according to the approved doctrines of medicine and surgery, as far as these are ascertained....

XXIII. To well instructed physicians only two rules need to be recommended. The one relating to their conduct when they are called upon to give professional evidence; and the other, to the nature and extent of the secrecy which they are bound to maintain in relation to their patients.

1st. When physicians engaged in the decision of a forensic question are unbiased by the parties, and have no interest for plaintiff or defendant, (being well-informed of all the facts alleged in evidence) they have only to decide by known medical principles, and can therefore rarely disagree. It is their duty to obtain every possible information upon the case, and before giving in their declaration candidly and conscientiously to canvass each others opinions, so that erroneous ideas may be removed....

2nd. The second rule is that of secrecy upon facts with which physicians become professionally acquainted, or are invited to ascertain; such as whether an apparent pregnancy can be real; the gestation and birth of a child; its parentage, colour, and age; the judgment and treatment of syphilitic and gonorrheal disease; the able or disabled state of a person, in limb or constitution; the fallacy of virginity and other circumstances, to the confession of which, a degree of shame, and the idea of exposure is attached, and which are never mentioned but with an engagement to secrecy. This duty has been defined by comparing it to that of the Catholic Confessional, which admits of no disclosures except in cases of treason or murder.⁵

14. The second medical society to formalize its understanding of medical ethics in a code was the Baltimore Medico-Chirurgical Society's *System of Medical Ethics*, which published its code in 1832. Prefatory comments to this code address the issue of confidentiality as both a duty incumbent on physicians and an essential for effectively practicing medicine.

No situation or pursuit in life can exact a more rigid adherence to the principles of virtue, integrity, benevolence and humanity, than that of the physician: Indeed, the very nature of his profession renders it requisite that he should possess the utmost probity and purity of character; for, to medical men are confided the dearest and most important interests of human nature. Not only are they the

⁵ Medical Society of the State of New York. 1823. *A System of Medical Ethics Published by the Order of the State Medical Society of New York*. New York: William Grattan.

guardians of health, and the ministers whose duty it is to soften the pillow of sorrow and affliction, but to them are also intrusted the lives, the honor, and reputation of their patients..... In [physicians] bosom, too, we [patients] find a safe depository for our cares and our confidence, and in their sympathies and friendly admonitions, a mitigation of many of the ills and troubles of existence. – Confident in their virtue and integrity, we can unbosom to them our most secret thoughts and reflections – expose our faults and our foibles – our vices and delinquencies, and while we are encouraged to them by firmness and affliction, and to probity and firmness in our actions, we are secure against any violation of our confidence, or exposure of our faults and infirmities.

In a later section of the Baltimore Society's *System of Medical Ethics* explores the reciprocal relation between the physician's duty of confidentiality and a prerequisite of effective medical practice, the patient's duty of confiding to their physicians.

Patients should faithfully and unreservedly communicate to their physician, the history of the cause of their disease. This is the more important as many diseases of a mental origin simulate those depending on external causes, and yet are only to be cured by ministering to the mind diseased. A patient should never be afraid of thus making his physician his friend and adviser; he should always bear in mind, that a medical man is, or ought to be, under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame or delicacy to prevent their disclosing the seat, symptoms, and causes of complaints peculiar to them. However commendable delicacy of mind may be in the common occurrences of life, its strict observance in medicine may often be attended with the most serious consequences, and a patient sink under a painful and loathsome disease, which might have been readily prevented had timely intimation been given to the physician.⁶

This last point is pivotal to all discussions of medical confidentiality: the effective practice of medicine depends on the willingness of patients to engage with the healthcare system. Any perception that their personal medical information may become public is likely to chill their willingness to engage with the healthcare system, with, as noted in the above paragraph, “serious consequences,” such as the failure to prevent treatment of “a painful and loathsome disease.”

⁶ Medico-Chirurgical Society of Baltimore. 1832. *A System of Medical Ethics Adopted by the Medico-Chirurgical Society of Baltimore; Being the Report of the Committee on Ethics, And published by order of the society*. Baltimore: James Lucas and E. L. Deaver.

15. In 1847, the American Medical Association was founded and issued its first Code of Medical Ethics. The code was adopted unanimously by the founding convention, to which representatives were sent from virtually every regular medical society, medical school, asylum, and hospital in the US, and, of more relevance to the issues in this case, many of the larger medical dispensaries (i.e., the pharmaceutical dispensaries of charitable institutions and hospitals). In 1855 this code became binding on all regular healthcare institutions in the US. Homeopaths and Osteopaths adopted versions of this code in 1884 and 1904 respectively. Their codes were modeled on the 1847 AMA Code of Medical Ethics and contain similar sections on confidentiality.

As in precursor codes, the 1847 AMA Code of Medical Ethics formalized traditions of medical morality dating to Bard, Rush and the colonial period. The following two sections deal with confidentiality.

Chap. I, Art. I, Sec. 2.

Every case committed to the charge of a physician should be treated with attention, steadiness and humanity.... Secrecy and delicacy, when required by peculiar circumstances, should be strictly observed; and the familiar and confidential intercourse to which physicians are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honor. The obligation of secrecy extends beyond the period of professional services-none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by him except when he is imperatively required to do so. The force and necessity of this obligation are indeed so great, that professional men have, under certain circumstances, been protected in their observance of secrecy by courts of justice.

Patients are held to have a reciprocal duty to confide in their physicians:

Chap. I, Art. II, Sec. 4.

Patients should faithfully and unreservedly communicate to their physician the supposed cause of their disease. This is the more important, as many diseases of a mental origin simulate those depending on external causes, and yet are only

to be cured by ministering to the mind diseased. A patient should never be afraid of thus making his physician his friend and adviser; he should always bear in mind that a medical man is under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame and delicacy to prevent their disclosing the seat, symptoms and causes of complaints peculiar to them. However commendable a modest reserve may be in the common occurrences of life, its strict observance in medicine is often attended with the most serious consequences, and a patient may sink under a painful and loathsome disease, which might have been readily prevented had timely intimation been given to the physician.⁷

16. We have reason to believe that this notion of confidentiality was enforced by medical societies. Although medical society records of censure and expulsion are rare, this scholar encountered the following case in the records of the New York Academy of Medicine (NYAM).

17. **The Expulsion of James Marion Sims for breaching patient confidentiality.**

On November 11, 1869 Thomas C. Fennell (1826-1890), head of the Committee on Ethics of the New York Academy of Medicine (NYAM, founded 1847 and still functioning), charged a famous surgeon, J. Marion Sims (1813-1883), with violating confidentiality at the expense of a celebrity patient, the actress, Charlotte Cushman (1816-76), who was famous for her performances of Shakespeare and notorious for her open lesbianism. The charge read:

An eminent woman [Charlotte Cushman] applied to Sims for professional advice, the disease is mentioned [in a letter Sims wrote to the *New York Times*] and the Advice given is fully set forth. It is further stated that the patient “unfortunately followed other Advice”—An unjust and injurious reflection upon the professional advisors under whose care she saw fit to place herself for an operation concerning which there is great latitude of Opinion amongst Surgeons.

A portion of Paragraph 2, Article 1, “On the Duties of Physicians to their Patient,” is as follows: “Secrecy and delicacy, when required by

⁷ Baker, Robert and Arthur Caplan, Linda Emanuel, and Stephen Latham, eds. 1999. *The American Medical Ethics Revolution*. Baltimore: the Johns Hopkins University Press, Appendix C, p. 324, 326.

peculiar circumstances, should be strictly observed. . . The obligation of secrecy extends beyond the period of professional services-none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by him except when he is imperatively required to do so.”

The undersigned claims that the Code does not allow a physician to announce to the public, the disease of a patient, and that the communications of Dr. J. M. Sims is a violation of these paragraphs from which these quotations were made.

It is not improper to state that a leading daily paper in this city [The *New York Times*] upon the communications that its author made a statement in regard to the lady, entirely uncalled for, and thereby advertised himself as her physician.

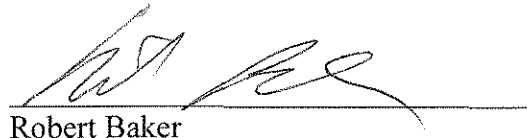
The undersigned makes these charges from no malice; it is to him as to many others, a source of deep regret that one whose name is so honorably linked to the fame of our profession [i.e. James Marion Sims], should be placed in such a discreditable position but loyalty to our Code demands that all should be called to account whenever they appear guilty of violating any of its Articles.

After a review of the letter published in the New York Times, and reflection on the explanation offered by Sims in his defense, the committee “declared that the charges against Dr. J. Marion Sims are fully sustained and [that he be publicly] reprimanded by the President of the Academy.” Rather than face such a public humiliation, with its requisite demand for a public apology, Sims took a steamer to London.

18. To review briefly, colonial American physicians inherited from Edinburgh, and more generally from the Hippocratic tradition, ethical conventions of confidentiality that were taught in American medical schools by teachers like Bard and Rush, and that were later formalized when American medical societies began to draft formal codes of ethics. When a colonial or early republic physician, like Samuel Bard, treated a patient, like George Washington, both physician and patient understood that what passed between, and what the physician observed in the course of medical practice, was to be kept

confidential. This presumption extended to whatever scripts physicians wrote to be prepared by an apothecary or compounding pharmacist. Based on my knowledge of the history of American medical ethics, it is my conclusion that our nation has a longstanding tradition of valuing and protecting medical confidentiality. This tradition was firmly in place at the time of the Fourth Amendment's ratification in 1791, was known to the Constitution's framers, and continued into the nineteenth century and beyond.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Robert Baker

Dated: June 28, 2013

EXHIBIT A

Curriculum Vitae 2013**Robert Baker, PhD**

William D. Williams Professor of Philosophy, Union College
 Director, Rapaport Ethics Across the Curriculum Initiative, Union College
 Director, Center for Bioethics & Clinical Leadership, Union Graduate College
 Director & Professor of Bioethics, The Union Graduate College-Icahn Mount Sinai Bioethics Program

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EDUCATIONAL HISTORY

1959 BA with Honors in History, City College of New York
 1967 Ph.D., University of Minnesota: *Moore's Realism and Non-Natural Properties*
 1974 Council of Philosophical Studies Institute on Medicine and Morals,
 Haverford College
 1977-78 Fellow, Department of Preventive and Community Medicine,
 Albany Medical College

APPOINTMENTS and POSITIONS

1964-1965	University of Minnesota	Instructor
1965-1969	University of Iowa	1965-67 Instructor
1967-1969		Assistant Professor
1968-1969	Iowa Philosophical Society	President
1969-1973	Wayne State University	Assistant Professor
1973-	Union College	1973-80 Assistant Professor
		1976- Coordinator, National Health Systems Term Abroad
		1979- Director, <u>Health and Human Values Proseminar</u>
		1980-88 Associate Professor

Robert Baker, *Vitae*, 2013 page-3

		1982-95	Chair, Human Subjects Research Committee (IRB)
		1984-88	Director, <u>CHUC</u> , (Computer Based Humanities Curriculum Project)
		1989- 1991-96	Professor of Philosophy Chair Philosophy Department
		1998-01	Chair, Faculty Appeals Com.
		2000-01	Chair Philosophy Department
		2000-02	Director, Center for Bioethics
		2005-	Director, Rapaport Ethics Across the Curriculum Initiative
		2006-	William D. Williams Professor
		2006-	Chair, Subcouncil on Academic Integrity (to establish Honor Code)
		2007	Baccalaureate Keynote Speaker
1981	NYU Medical Center		Visiting Associate Professor
1982, 94-95	Kennedy Institute of Ethics		Visiting Scholar
1987-88, 94	Wellcome Institute for the History of Medicine		Visiting Scholar
1995	New York University		Scholar-in-Residence
1996-2012	Center for Bioethics, University of Pennsylvania		Visiting Fellow
1997-05	Center for Medical Ethics, Alb. Medical College		Associate
1998	New York University		Scholar-in-Residence
1998-	American Society of Bioethics and Humanities		
		1998-	Founding Chair, History of Medical Ethics Affinity Group;
		1998-2003	Archives & History Com.
		2005-2007	Advisory Committee on Ethics Standards (ACES)
		2010-	Chair Joint ASBH-ASBD Taskforce on Accreditation, chair
		2010-	CECA Taskforce on Ethics Codes, Consultant
2000-06	<i>American Journal of Bioethics</i>		Editorial Board
		2005-06	Editor History Medical Ethics
2002	University of Mumbai (Bombay)		Hyderabad/Sind National Collegiate Board Professor
2003-	The Graduate College of Union University		Professor of Bioethics,
		2003- 13	Director, Center for Bioethics
2005-06	Alden March Bioethics Institute		Chair
2005	Institute of Ethics, American Medical Association		Visiting Scholar In Residence

2006-2008	American Philosophical Association	Committee Medicine & Philosophy
2007-2013	Union Grad College-Mt Sinai School Medicine Bioethics Program	Director
2007-	<i>Bioethics</i>	Editorial Board
2012	UNESCO: Bioethics Education Scientific Committee	
2013	Scientific Committee of the International Conference on Clinical Ethics and Consultation.	

SCHOLARSHIPS, FELLOWSHIPS, GRANTS & HONORS

1969 *National Endowment for the Humanities Junior Research Fellowship* conjoined with *Old Gold Research Fellowship*, summer (University of Iowa): normative ethics.

1974 *Council of Philosophical Studies Summer Study Grant* (Rockefeller Brothers Fund): to study at the Institute on Morals and Medicine at Haverford College

1974-75 *National Endowment for the Humanities Selected Fields Fellowship*: to study social history of medicine at the Wellcome Institute for the History of Medicine.

1976-77 *Mellon Fellowship* (Union College) to study the History of Medicine under Professor William Bynum of the Wellcome Institute of the History of Medicine.

held conjointly with Mellon Fellowship (Union College) to undergo clinical internships at the Albany Medical College: Departments of Neonatology (supervised by Dr. A. Bartoletti); Oncology (supervised by Dr. J. Horton) and Psychiatry (supervised by Dr. I. Hassenfeld).

1981-82 *Ethical Values In Science and Technology Interdisciplinary Fellowship* (NEH-NSF): Eighteen-month field-study of the moral methodologies of intensive care units; conducted at the Kennedy Institute of Bioethics, Georgetown University; and the Department of Urban Health Affairs, NYU Medical Center.

1984-86 *Computers in the Humanities Undergraduate Curriculum* (CHUC): funded by a Digital Equipment Corporation Special Interest Grant Program and the Sloan Foundation- to direct a 13 faculty project integrating computers into Humanities (1.2 million dollars).

1994-1995 *American Philosophical Society*: Travel grant to visit archives and libraries in Britain & U.S. as part of on-going research project on the history of modern medical morality.

1996-1997 *Wood Institute Fellowship* College of Physicians of Philadelphia, for research on the history of American medical ethics.

- 1999-2002 *NEH Collaborative Research Grant* (co-recipient with L. McCullough) in support of the Cambridge University Press volume *A History of Medical Ethics*.
- 2000 NEH-Earhart foundation-Greenwall Foundation-Litauer-Milbank Memorial Funds. Matching grant to support International Conference on the History of Medical Ethics and *A History of Medical Ethics* (co-recipient, L. McCullough).
- 2001 *Greenwall Foundation Presidential Grant* (co-recipient w. L. McCullough) in support of the International Dictionary of Bioethics Project.
- 2004- 08 *Fogarty Center, National Institutes of Health* “E-Education in Research Ethics: Central and Eastern Europe.” Associate Project Director (Principle Investigators: M. Strosberg and E. Gefanis). Four year training grant offering Advanced Certificates in Research Ethics via on-line education to develop research ethics infrastructure in Central and Eastern Europe, including countries that were formerly part of the Soviet Union.
- 2005-12 Michael Rapaport (donor) “Everyday Ethics Across the Curriculum Initiative” funding ethics segments in non-philosophy courses at a highly selective liberal arts college (R. Baker, Chair)
- 2007 *Nathan Litauer Foundation Grant for Cambridge World History of Medical Ethics*
- 2008 John Conley Foundation Grant (in support of National Undergraduate Bioethics Conference XI)
- 2012 BioMedLib: Most Referenced Article in the Domain of Article 12221504, Since Publication “Bioethics and history.” Baker R: *J Med Philos*; 2002 Aug; 27(4):447-74

BOOKS

- 1975 *Philosophy and Sex* (ed. with F. Elliston), Prometheus Books, Buffalo.
- 1984 *Philosophy and Sex* (2nd ed. with F. Elliston), Prometheus Books, Buffalo.
- 1990 *Rationing America's Health Care: The Oregon Plan and Beyond*, (ed. with M. Strosberg and J. Weiner), Brookings Institution, Washington DC
- 1993 *The Codification of Medical Morality: Historical and Philosophical Studies of the Formalization Of Medical Morality in the Eighteenth and Nineteenth Centuries* : Volume I, *Medical Ethics and Etiquette in the Eighteenth Century*; (ed. with D. and R. Porter) Kluwer Academic, Dordrecht, NL.
- 1995 *The Codification of Medical Morality: Historical and Philosophical Studies of the Formalization Of Medical Morality in the Eighteenth and Nineteenth Centuries* Volume II, *Anglo-American Medical Ethics and Medical Jurisprudence in the Nineteenth Century*; Kluwer Academic,

Dordrecht. NL

- Legislating Medical Ethics: A Study of New York State's Do Not Resuscitate Law* (ed. with M. Strosberg), Philosophy and Medicine Series, Kluwer Academic Pub., Dordrecht. NL
- 1998 *Philosophy and Sex* (3rd ed. with F. Elliston & K. Wininger), Prometheus Books, Buffalo.
- 1999 *The American Medical Ethics Revolution: How the AMA's Code of Ethics Has Transformed Physicians' Relationships to Patients, Professionals and Society* (ed. with A. Caplan, L. Emanuel, S. Latham), Johns Hopkins University Press, Baltimore, MD. [**“Outstanding academic title published in 2000,”** *Choice*, January 2001]
- 2006 *Ethics and Epidemics* (ed. with J. Balint, S. Philpott, M. Strosberg). Oxford & Amsterdam: Elsevier.
- 2009 *Philosophy and Sex*, 4th (ed. with K. Wininger), Buffalo: Prometheus Books
- 2009 *The Cambridge World History of Medical Ethics*, (ed. w. L. McCullough)
New York: Cambridge University Press
Winner American Library Association's *Choice*
Outstanding Reference/Academic Book Award 2009,
Category: Outstanding Academic Book in Health Sciences 2009
(*Choice: Current Reviews for Academic Libraries* 47.5 (Jan.2010): p. 813)

Chapters by R. Baker:

R. Baker and L. McCullough co-authored chapters/sections as follows:

Chapter 1 “What is the History of Medical Ethics,” pp. 3-15

Part II “A Chronology of Medical Ethics,” pp. 21-100

Chapter 18 “Discourses of Philosophy and Medical Ethics,” pp. 281-312

R. Baker authored the following chapters/sections

Chapter 36 “The Discourses of Practitioners in Nineteenth- and Twentieth Century Britain and the United States,” pp. 446-464

R. Baker authored the following Biographies

Alexander, Leopold (Leo), p. 693

Beck, Theodoric, Romeyn, pp. 696-697

Burns, Chester, p. 698

Cannon, Bradford, p. 698-699

Gisborne, Thomas, p. 702

Hays, Issac, pp. 704-705

Hellegers, André Eugène Désiré Joseph, pp. 705-706

Hippocrates, p. 707

Ivy, Andrew Conway, p. 710

Ryan, Michael, p. 718

R. Baker and C. Burns co-authored the following Biography

Hooker, Worthington, p. 709

In Press

Before Bioethics: A History of American Medical Ethics from the Colonial Period to the

Bioethics Revolution. Oxford University Press (2013)

BOOK SERIES

1998- Editor (w. L. McCullough) *Classics of Medical Ethics*, Springer

PUBLICATIONS

- 1967 "Particulars: Bare, Naked and Nude," *Nous*, Vol. I, No. 2.
Exercises in Logic (with D. Burnham Terrell), New York, Holt Rinehart and Winston.
- 1971 "Alice, Bergmann and the Mad Hatter," *Review of Metaphysics*, Vol. 24, No. 4.
- 1972 *Medico-Behavioral Report of the Governor's Taskforce on Victimless Crime*
(Wilson, T.G.G., Baker, R., Fisher, C., Nicholson, W.N., Lowinger, P. et al.), Office of Drug
Abuse, State of Michigan, E. Lansing, Michigan.
- 1974 "Prolegomena to an Analysis of Victimless Crime," *Journal of Psychedelic Drugs*, Vol. 1
October, pp. 447-464.
- 1977 "Report" and "Ceasing to Save," *Reports of the Institute Fellows 1977-78, Institute on
Human Values in Medicine*, Philadelphia, Report 11, pp. 7-11, 145-180.
- 1978 "Eugenics and Human Rights," in Bandman, E. and Bandman, B. *Bioethics and Human Rights: A
Reader for Health Care Professionals*, Little Brown, Boston, 1978, 98-100.
- "Mental Illness: Defined," *Encyclopedia of Bioethics*, edited by Reich, W., Free Press,
Macmillan, New York, 1978, Vol. 3, pp. 1090-1097.
- Violence and Therapy," *Encyclopedia of Bioethics*, *ibid.*, Vol. 4, pp. 1689-1693.
- "Protecting the Unconceived," in Davis, John et al., *Contemporary Issues in Biomedical
Ethics*, Humana Press, Clifton, New Jersey, 1978, pp. 89-100.
- "Social Control and Medical Models in Genetics," in Buckley, John, *Genetics Now:
Ethical Issues in Genetic Research*, University Press of America, DC, 1978, 75-139.
- 1980 "Thomas Szasz, Founder of the Philosophy of Psychiatry," Grenander, M. E., ed.
Aesclepius at Syracuse: Thomas Szasz, Libertarian Humanist, Institute for
Humanistic Studies, State University of New York, April 1980, Vol. I, pp. 292-314.
- "Care of the Sick and Cure of Disease: Comments on the Fractured Image,"
Nursing: Images and Ideals, Spicker, S. and Gadow, S., eds. Springer,

- New York, 1980, pp. 41-48.
- 1982 "Moral Methodologies of Intensive Care Units," *American Philosophical Association Newsletter on Philosophy and Medicine* No 14, March 1982 pp. 5-6.
- 1983 "On Euthanasia" in Humber, J. et. al. *Biomedical Ethics Reviews: 1983* , Humana Press, Clifton, New Jersey.
- 1984 "The Patient Who Wants to Fight" in Reiser, S. et. al. *The Machine at the Bedside: Strategies for Using Technology in Patient Care*, Cambridge Univ. Press, pp. 213-221.
- 1985 "Recent Books in Bioethics" *Ethics* ,Vol. 95, No. 2, January, 1985 pp. 370-375.
- 1986 "The Clinician as Sexual Philosopher" in Shelp, E., ed., *Sexuality and Medicine*, Vol. 2, D. Reidel, Dordrecht, Netherlands
- 1987 "Ethics and The Management of Critical Care Units" in Fein, I. A., and Strosberg M. *Managing the Critical Care Units*, Aspen Publications, Rockville Md. and Tumbridge Wells (UK), pp. 247-263.
- 1989 "Caring for the Critically Ill: Proposals for Reform" (with. I. A. Fein, M. Strosberg, and M. Weil) *Rationing of Medical Care for the Critically Ill* , Strosberg, M., and Fein, I. A., eds. Brookings Institution, Washington DC
- "The Evolution of DNR Policy" *Rationing of Medical Care for the Critically Ill*, Strosberg M, and Fein I. A. eds. Brookings Institution, Washington DC, pp. 52- 63.
- "Research on Brain-Dead Patients" *Annals of Internal Medicine* Vol. 110, 1 January 1989 p. 88 (letter).
- Review of Melhado, E. et. al. *Money, Power and Health Care* in *Medical History*, 33 January 1989 pp. 139-140.
- "The Skeptical Critique of Clinical Ethics" in Hoffmaster, B., Freedman, B. and Fraser, G, *The Foundations of Clinical Ethics*, Humana Books, Clifton NJ, pp. 27-57.
- 1990 "Physicians' Attitudes Towards Using Deception" (w Dersch et al.) *JAMA* , Oct. 27, 1989, 266, 16, p. 2233. (Letter)
- Review: *Children in Health Care*, in *Ethics*, 100, 4 July, p. 924.
- "The Inevitability of Health Care Rationing: A Case Study of the British National Health Service" in *Rationing America's Health Care: The Oregon Plan and Beyond*, (ed. with

M. Strosberg and J. Weiner), Brookings Institution, Washington DC, pp. 208 - 230.

- 1991 "Ethical Implications of New York's DNR Law" (with Dersch et al.)

Critical Care Medicine, 18, April 1990, S255.

"The Intelligent Anesthesiologist's Guide to the Logic and Language of Allocation," with I. A. Fein, and M. Strosberg, *Anesthesiology Clinics of America: Critical Issues in Critical Care*, Vol. 9, No. 2, June 1991, pp. 437-486. 1992

"Triage and Equality: A Historical Reassessment of Utilitarian Analyses of Triage" (with M. Strosberg), *Kennedy Institute of Ethics Journal*, Vol. 2, pp. 103-124.

- 1991 "Invisibility and the Just Allocation of Health Care: A Study of the British National Health Service," *Newsletter European Society for Philosophy of Medicine & Health Care*, No 12, 28-29.

"Medical Ethics in a Time of De-Communization," *Kennedy Institute of Ethics Journal*, Vol. 2, pp. 363-370, December.

- 1993 "Deciphering Percival's Code" in *The Codification of Medical Morality*, Volume I, pp. 179-212.

"The Bioethical Revolution of 1988: The Future of the Futility Controversy" (with M. Strosberg), in Blank, R. and Bonnicksen, A., *Emerging Issues in Biomedical Policy: Volume II: Debates Over Medical Authority*, New York, Columbia University Press, pp. 57-78.

"The Ethics of Medical Futility," *Critical Care Clinics* 1993, Vol. 9, pp. 575-584.

"History of Medical Ethics," *Encyclopedia of the History of Medicine*, Bynum, W. and Porter, R., eds., Routledge, London.

"Visibility and the Just Allocation of Health Care: A Study of Age-Rationing in the British National Health Service," *Health Care Analysis*, Vol. 1, No. 2, pp. 1-22.

"Professional Integrity and Global Budgeting, A Study of Physician Gatekeeping in the British National Health Service," *Professional Ethics*, Vol. 2, pp. 1-34.

Review of Albert Jonsen's, *The Old Medicine and the New Ethics*, in *Medical History*, Vol. 37, pp. 112-113.

Review of David Rothman's, *Stranger's at the Bedside A History of how Law*

and Bioethics Transformed Medical Decisionmaking, in *Medical History*, Vol. 37, p. 113.

Review of José Luis Peset and Diego Gracia's *The Ethics of Diagnosis*, in *Medical History*. Vol. 37 p. .

1994 "Rationing, Rhetoric, and Rationality: A Review of the Health Care Rationing Debate in America and Europe," in Humber, J. And Almeder, R., *Allocating Health Care Resources*(*Biomedical Ethics Reviews: 1994*), Humana Press, Totowa, NJ., pp. 55-84.

"Rationing Intensive Care," (Letter, w. M. Strosberg), *JAMA*, 272, pp. 1480-1481.

1995 "The Ethics of Global Budgeting: Some Historically Based Observations," *The Journal of Clinical Ethics*, Vol. 5, pp. 343-346

"Conceptions of Mental Illness," in Warren Reich, ed. *Encyclopedia of Bioethics*, New York, Macmillan, Vol. III, pp. 1731-1743.

1996 Review of Larry Churchill's *Self-Interest and Universal Health Care*, in *Ethics* , Vol. 106, pp. 497-498.

Resistance To Medical Ethics Reform In The Nineteenth Century" *Malloch Room Newsletter of The New York Academy of Medicine.*, 13, Spring 1996.

"Age Discrimination," in Joseph Bessette, ed., *Ready Reference: American Justice*, Pasadena (CA), Vol. I, pp. 17-20

"The Impact of Legislation Requiring DNR Orders: New York State Compared to Neighboring States," (with Daniel Teres, Keith Boyd, John Rapport, Martin Strosberg, and Staley Lemeshow), *Journal of Intensive Care Medicine*, 11, pp. 335-342.

"Recent Works in the History of Medical Ethics and Its Relevance to Bioethics," *American Philosophical Association Newsletters*, Vol. 96, 1, Fall 1996, pp. 90-97.

1997 "The Kappa Lambda Society of Hippocrates: The Secret Origins of the American Medical Association," *Fugitive Leaves* , Third Series, Volume 11, Number 2, College of Physicians of Philadelphia.

“Advisory Committee on Human Radiation Experiments, *The Human Radiation Experiments* “ review in *Medical History*, 41, pp. 256-257.

“Crisis, Ethics and the American Medical Association: 1847 and 1997” with Arthur Caplan, Linda Emanuel, and Stephen Latham, *JAMA: Journal of the American Medical Association*, 278, pp. 163-164.

“Hans-Georg Gadamer, *The enigma of health: the art of healing in a scientific age*,” review in *Medical History*, 41, 397-399.

“Un modelo teórico para la ética médica transcultural: posmodernismo, relativismo y el Código de Nuremberg,” *Perspectivas Bioéticas en las américas*, 2, 1997, 12-37.

“Transkulturelle Medizinethik und Menschenrechte,” in Ulrich Tröhler and Stella Reiter-Theil, *Ethik und Medizin 1947-1997: Was leistet die Kodifizierung von Ethik?* Göttingen, Wallstein Verlag, pp. 433-460.

Contributor to *New York's Health Care System: Making the Transition to Managed Care and Competition*, Martin Strosberg, ed., Troy NY, Educator's International Press, pp.43-44, 76, 87.

1998 “Extending the Canon: Applied Ethics in Eighteenth-Century Britain.” *British Society for the History of Philosophy Newsletter*, New Series: Vol. 2., No. 2, Oct. 1998, pp. 24-28.

“Multiculturalism, Postmodernism And The Bankruptcy Of Fundamentalism,” *Kennedy Institute of Ethics Journal*, Vol. 8, # 3, September, 1998, pp. 210-231

“A Theory Of International Bioethics,” *Kennedy Institute of Ethics Journal*, Vol. 8, # 3, September, 1998, pp.233-274.

“Transcultural Medical Ethics and Human Rights,” *Ethics Codes in Medicine: Foundations and achievements of codification since 1947*, Ulrich Tröhler and Stella Reiter-Theil eds., Aldershot, UK, pp.312-331 (English translation of German article published in 1997).

“Negotiating International Bioethics: A Response to Tom Beauchamp and Ruth Macklin” *Kennedy Institute of Ethics Journal*, Vol. 8, No. 4, pp. 423-455.

1999 “American Independence and the Right to Medical Care,” *JAMA: Journal of the American Medical Association*, Vol. 281, March 3, 1999, pp. 859-860.

- “The Birth of Bioethics: A Review Article,” *APA Newsletters, Newsletter on Philosophy and Medicine*, Vol. 98, No. 2, Spring, pp. 143-145.
- “Albert R. Jonsen: *The birth of bioethics*,” review in *Medical History*, July 1999, pp. 403-404.
- “Minority Distrust Of Medicine: A Historical Perspective,” *Mount Sinai Journal of Medicine*, Vol. 66, September, pp. 212-222.
- 2000 “The Efficacy of Professional Ethics: The AMA Code of Ethics in Historical and Current Perspective,” with Linda Emanuel, *Hastings Center Report* 30, no. 4, S13-17.
- “Codes of Ethics: Some History,” *Perspectives on the Professions*, 19, No. 1, pp. 3-6.
- 2001 Review of Laurence McCullough, *John Gregory and the Invention of Professional Medical Ethics* and *John Gregory’s Writings on Medical Ethics and the Philosophy of Medicine*, in *Medical History* 45: 1, pp. 121-123, January.
- “The Facts of Bioethics,” *American Journal of Bioethics*, 1, pp. 59-62.
- “Transplantation: A Historical Perspective,” in Shelton, W. ed. *Advances in Bioethics: Volume 7: The Ethics of Organ Transplantation*, Elsevier Science Publications, pp. 1-42.
- “Bioethics and Human Rights: A Historical Perspective,” *Cambridge Healthcare Quarterly*, Volume 10, 241-252
- 2002 Review: Bioethics in America, M.L. Tina Stevens,” *Journal of the History of Medicine and Allied Sciences*.
- “Stem Cell Rhetoric and the Pragmatics of Naming,” *AJOB: American Journal of Bioethics*, 2:1, 52-53.
- “The Co-Evolution of Bioethics and Cyberspace,” *American Philosophical Association Newsletter on Philosophy and Medicine, APA Newsletters*, V 1, Spring 02, 160-164.
- “On Being a Bioethicist - Review of *Playing God* by John H. Evans”: *AJOB: American Journal of Bioethics*: 2:2, 65-69
- “Bioethics and History,” *Journal of Medicine and Philosophy*, Vol 27, No. 4, 449-476
- [BioMedLib: 2012 the most cited article in its field on the 10th anniversary of its publication]

- “From Metaethicist to Bioethicist,” *Cambridge Quarterly of Healthcare Ethics*, Vol 11, No. 4, 369-378
- 2003 “Balkanizing Bioethics,” *AJOB: American Journal of Bioethics*, 3:2, 13-14.
- 2004 “Bias in Journalistic Accounts of Embryo Research Reconsidered,” *AJOB: American Journal of Bioethics*, 4: (1), 15-16.
- 2005 “Getting Agreement: How Bioethics Got Started” *The Hastings Center Report*, 35 (3), 50-51
- “A Draft Model Aggregated Code of Ethics for Bioethicists” *American Journal of Bioethics* 5 (5), 33-41.
- “Response to Commentators on “A Draft Model Code of Ethics for Bioethics” *American Journal of Bioethics* 5 (5) W 12-13.
- “International Bioethics and Human Rights: Reflections on A Proposed Universal Declaration on Bioethics and Human Rights,” *Politics and Ethics Review* 1 (2), 188-196.
- 2006 “Ethics, Professional Codes of,” in A. Soble ed., *Sex From Plato to Paglia: A Philosophical Encyclopedia*. Westport (CN): Greenwood Press, 268-272.
- “Confidentiality in Professional Medical Ethics.” *American Journal of Bioethics* 6: 39-41.
- “A Theory of International Bioethics: Multiculturalism, Postmodernism and the Bankruptcy of Fundamentalism. In Belinda Bennett, ed. *Health, Rights and Globalisation*, pp. 201-231. Aldershot (UK): Ashgate Publishing Ltd. (Edited version of 1998 article of same title.)
- “Medical Ethics and Epidemics: A Historical Perspective.” In J. Balint, S. Philpott, R. Baker, and M. Strosberg eds. *Ethics and Epidemics*, Amsterdam, Elsevier, pp. 93-134.
- Report and Recommendations of the ASBH Advisory Committee on Ethics Standards (ACES)* with K. Kipnis, R. Pearlman, and H. Taylor (www.asbh.org)
- Review “Ian Dowbiggin: *A Concise History of Euthanasia: Life, Death God, and Machine*.” *Bulletin of the History of Medicine*, 80, 789-790.
- Review “Robert M. Veatch: *Disrupted Dialogue: Medical Ethics and the Collapse of Physician-Humanist Communication (1770-1980)*,” *Bulletin of the History of Medicine* 80, 790-791.
- 2007 “Medical Ethics’ Appropriation of Moral Philosophy: The Case of the Sympathetic and the Unsympathetic Physician” with L. McCullough, *Kennedy Institute of Ethics Journal*

17 (1) 3-22.

“A History of Codes of Ethics for Bioethicists” *The Ethics of Bioethics: Mapping the Moral Landscape*, Lisa Eckenweiler and Felicia Cohen, eds. Baltimore: Johns Hopkins University Press, 24-42.

“Bergmann as Historian,” *Ontology and Analysis: Essays and Recollections about Gustav Bergmann*. L. Addis ed., Frankfurt: Ontos Verlag, 51-58.

“The Relationship Between Moral Philosophy and Medical Ethics Reconsidered” with L. McCullough, *Kennedy Institute of Ethics Journal* 17 (3), 271-276.

2008 “African American Physicians and Organized Medicine, 1846-1968, Origins of a Racial Divide,” Baker, R., Washington, H., Olkanmi, O., Savitt, T., Jacobs, E., Hoover, E., Wynia, M., *JAMA: Journal of the American Medical Association*, Vol. 300, No. 3. July 16, 2008, pp. 306-313.

“Medical Ethics and Epidemic Disease,” *Encyclopedia of Pestilence, Pandemic* Byrne, Joseph, P. ed., Westport (CT), Greenwood Press, pp. 422-428.

“Codes of Medical Ethics,” *Encyclopedia of Pestilence, Pandemic* Byrne, Joseph, P. ed., Westport (CT), Greenwood Press, p. 427.

2009 Review “Robert Veatch: *Disrupted Dialogue*” *The Journal of Religion*, 89:134–136, January 2009.

“The Ethics of Bioethics” in Vardit Ravitsky, Autumn Fiester, Arthur L. Caplan, eds., *The Penn Center Guide to Bioethics*, New York: Springer Publishing Company, pp. 9-20.

“In Defense of Bioethics,” *Journal of Law Medicine and Ethics*, 37 (1), February, pp. 83-92.

“Conscience and the Unconscionable,” *Bioethics*, 23 (5), pp. ii-iv.

Baker, R, Washington, H., Olakanmi, O. et al. “Creating a Segregated Medical Profession: African American Physicians and Organized Medicine, 1846-1910,” *Journal of the National Medical Association*, 101 (6) June, 501-512.

Washington, H, Baker, R, Olakanmi, O., et al. “Segregation, Civil Rights, and Health Disparities: The Legacy of African American Physicians and Organized Medicine, 1910-1968,” *Journal of the National Medical Association*, 101 (6) June, 513-527.

Pease, Anastasia, Baker R. “Union College’s Rapaport Ethics Across the Curriculum Initiative,”

Teaching Ethics, Vol. 9 (2) pp. 5-24.

- 2010 Baker, R. "Review: Renee C. Fox and Judith Swazey. *Observing Bioethics*," *Bulletin of the History of Medicine*, Vol. 84 (1), Spring 2010, pp. 155-56.
- Philpott, S., Baker R. "Why the Avandia Scandal Proves that Big Pharma Needs Stronger Ethical Standards." *Bioethics*, Vol. 24 (8), pp. ii-iii.
2011. Baker, R. "Historical Context of Bioethics:" Three part series on the history of bioethics, video of Baker's January GLEUBE lecture at the Manchester Bioethics Center (UK), published by European Bioethics: <http://www.youtube.com/watch?v=b11P0IAdoKw>;
<http://www.youtube.com/watch?v=U2f57ZpMtKc>;
http://www.youtube.com/watch?v=H6YYvAE_5Ao
- 2012 Baker, R. 2012. "Medical Ethics, History of," Chadwick, R. *Encyclopedia of Applied Ethics*, 2nd edition, London & San Diego: Elsevier, Vol. 3, pp. 61-69
- Baker, R., 2012. "Medical Oaths and Codes," Chadwick, R. *Encyclopedia of Applied Ethics*, 2nd edition, London & San Diego: Elsevier, Vol. 3, pp. 155-163

In Press

- Baker, R. "Codes of Conduct," in ten Have, Henk; Gordijn, Bert eds. *Springer Compendium & Atlas of Global Bioethics*. London: Springer.
- Baker, R. "Review of *Hippocratic, Religious, and Secular Medical Ethics* by Robert Veatch," *Bioethics*.
- Baker, R. "Race and the History of the Medical Profession," in William C. Cockerham, Robert Dingwall, and Stella Quah, eds. *The Wiley-Blackwell Encyclopedia of Health, Illness, Behavior, and Society*, forthcoming Wiley-Blackwell.
- Baker, R. "Medical Codes and Oaths," in Jennings, Bruce, ed. 4th edition, *Encyclopedia of Bioethics*, forthcoming Macmillan.

Submitted for Review

- Baker, R. "Bioethics and Human Rights: A Historical Perspective," Gordon, John-Stewart, Teas, Wanda, eds. *Global Perspectives On Bioethics*, New York: currently under review, Blackwell.

CONFERENCES AND LECTURE SERIES ORGANIZED

- 1978- *Health and Human Values Lecture Series*, Union College & Albany Medical College (on-going series).
- 1989 *Eighteenth Century Medical Ethics* (w. D and R Porter) Wellcome Institute, London
- 1990 *New York 's DNR Law* (organized with M. Strosberg) Union College, Schenectady.
Nineteenth Century Medical Ethics (w. D and R. Porter), Wellcome Institute, London
- 1991 *Rationing America's Health Care: Opening Pandora's Box*, (w. I. A. Fein, M. Strosberg, and J. Weiner), The Brookings Institution, Washington DC
- 1993 *Pew Conference on Ethics in Science* (with T. Weiner), Union College, Schenectady.
Ethics and the Environment (with P. Genest), Union College, Schenectady.
- 1997 *A Symposium Commemorating the 150th Anniversary of the American Medical Association and its 1847 Code of Ethics* (with A. Caplan, L. Emanuel, & S. Latham), Philadelphia
- 1999 *Ethics in Science*, NYU Faculty Resource Network, Faculty Enrichment Program, sponsored by the National Institutes of Health, The Leadership Alliance, and the Community College Transfer Opportunity Program. One-week enrichment program for faculty from historically Black colleges and universities, and from liberal arts and community colleges, held at NYU, June 7-11, 1999.
- 2000 *First International Conference on the History of Medical Ethics* (with L. McCullough) Baylor College of Medicine, Houston, September 2000, sponsored by the Collaborative Research Division of the National Endowment for the Humanities, and the Earhart, Greenwall, and the Littauer Foundations and the Milbank Memorial Fund
- 2001 Greenwall Foundation sponsored *Editorial Conference on the Cambridge Dictionary of Bioethics* (with L. McCullough), Union College, August, 2001.
- 2004 *Ethics and Epidemics: An International Conference on the Ethical Dimensions of Epidemic Control* (with J. Balint and W. Shelton,) March 25-27, 2004 at Albany Medical College and Union College.
- NIH Fogarty Workshop on *E-Education*, Dec. 12-20, 2004 (w. M. Strosberg).
- 2005 ASBH Spring Conference *Ethics of Bioethics* (w. A. Derse,, J. Balint, G. McGee, W. Shelton, M. Strosberg, M. Wynia), April 7-9 Albany Medical College and Union College
- NIH Workshop on *Research Ethics*, CEE Advanced Certificate in Research Ethics, (w. E. Gefanis,

and M. Strosberg), Vilnius, Lithuania, 1-10 July.

2007 NIH *Workshop on Research Ethics*, CEE Advanced Certificate in Research Ethics, (w. E. Gefanis, and M. Strosberg), Vilnius, Lithuania, 22-26 June 2007.

8th Annual Global Forum on Research Ethics (w. E. Gefanis and M. Strosberg and international advisory board) Vilnius, 27-29 June 2007.

2008 *National Undergraduate Bioethics Conference XI*, (w. J. Handibode) Union College, April 4-5.

2010: *Bioethics and Disability Across the Life Cycle*: (w Alicia Ouellette) Union College 21-22 May.

12th International Conference of the Society for Ethics Across the Curriculum, Union College. Oct. 7-9 2010. (Organizer).

LECTURES, LECTURE SERIES AND WORKSHOPS (1995-)

Seminar/workshop/ Rounds: “No Room at the Inn: Rationing Health Care” (w. M. Strosberg: Sept, 30, 1994 New England Medical Center; Jan. 20, 1994, Albany Medical College; May 18, Albany College of Pharmacy; May 20, Albany Medical College, January 8, 1996).

“Ethics and Futility,” & “Ethics Workshop” 11th Annual Conference on Managing Critical Care Medicine. Albany Oct. 19-20, 2004.

“Age-rationing Reconsidered,,” What Do We Owe the Eldery, Hastings Center Conference, Maastricht, Netherlands, October 1994; International Conference on Justice in Health Care, Jacksonville, Florida, November 4, 1994

“Business Ethics Workshop,” College Stores Association of New York State, Binghamton, NY, March 8, 1995.

“Fellows Report”, New York University Faculty Resource Network, NYC, May, 12, 1995

“Medical Ethics and Gentlemanly Honor,” Consortium on the History of Medicine, New York Academy of Medicine, NYC, May 24, 1995

“Where Business Meets Medical Ethics,” Health Instruments Manufacturers Association, Vancouver, Canada, June 27, 1995

“The Death of Hippocratic Ethics,” Ninth Annual Conference of the European Society for the Philosophy of Medicine and Health Care, & the Hippocratic Foundation, 21-23 September, 1995 Kos, Greece

- “Myth and History in Medical Ethics: From the Hippocratic Oath to Doctor Kevorkian’s Suicide Machine,” Making Choices: The History of Conflict in Medical Ethics, New York Academy of Medicine, February 8, 1996
- “Rethinking the History of Medical Ethics,” Department of the History and Sociology of Medicine and Science, University of Pennsylvania, April 8, 1996
- “Transcultural Medical Ethics and Human Rights,” Ethical Codes in Medicine Conference, The Freiburg Project of the Akademie für Ethik in der Medizin, Albert-Ludwigs-Universität, Freiburg, Germany, April 20-21, 1996.
- “The Goals of Medicine: A Historical Perspective,” Hastings Center Conference on the Goals of Medicine, Detroit Michigan, May 11, 1996
- “The Postmodern Critique of Bioethics” American Association of Bioethics, San Francisco, Nov. 1996
- “The Birth of Bioethics,” Conference session, & paper, International Association of Bioethics. San Francisco, Nov. 1996
- “Uncovering the History of Medical Ethics,” College of Physicians of Philadelphia, Woods Fellow Lecture, Feb. 27, 1997
- “The First American Medical Ethics Revolution,” 1997 *Ethics and American Medicine: History, Change, and Challenge*, Philadelphia. March 14, 1997
- “American Medical Ethics, 1847-1997” American Medical Association Leadership Conference (w. Arthur Caplan), Philadelphia, March 16, 1997
- “The Historiography of American Medical Ethics,” Consortitium of Historians of Medicine, New York Academy of Medicine, March 25, 1997.
- “Doctor Chase’s Patent Truss and the Origins of American Medical Ethics,” Seventieth Annual Meeting of the American Association of Historians of Medicine, (with Dana Katz) Williamsburg Virginia, April 4, 1997.
- “American Medical Ethics, 1847 -1997,” Ethics Rounds, Albany Medical College, April 17, 1997.
- “History of the Goals of Medicine,” The Goals of Medicine: Priorities for the Future,” Hastings Center and Istituto Italiano per gli Studi Filosofici, Naples Italy, June 19-21, 1997
- “Revolutionizing the Researcher-Patient Relationship: A Historical Analysis,” XI Annual Conference of the European Society for Philosophy, Medicine and Healthcare

Collegio Antonianum, Padova, Italy, August 23, 1997

“History and Minority Distrust of Medicine,” Hope, Distrust & Allocation: Minority Encounters with the Healthcare System, Issues in Medical Ethics 1998, Mount Sinai Medical Center, NYC, Feb. 27, 1998

“Who’s Afraid of the Big Bad Sheep? Cloning and Culture Shock,” Public Affairs. Lecture Series, College of State Island, NY. April 29, 1998

“The History of Medical Ethics,” Workshop, Faculty Mount Sinai Medical Center, New York, 22 October 1998

“A Theory of International Bioethics” “Global Bioethics: East and West,” Fourth World Congress of Bioethics, Tokyo, Japan, 4 November 1998; Faculty Seminar, Mount Sinai Medical Center, New York 17 December 1998; Hastings Center, 18 December, 1998; New York University Medical Center, January 27, 1999,

“History and Methodology in Biomedical Ethics” Global Bioethics: East and West,” Fourth World Congress of Bioethics, Tokyo, Japan, 7 November 1998

“The History of Medical Ethics,” Session coordinator and chair, American Society of Bioethics and Humanities, Houston, Texas, 21 November, 1998.

“History and Bioethics,” Commentary, Columbia College of Physicians and Surgeons, February 26, 1999.

“The Practical Relevance of Codes of Ethics” American Medical Association, Chicago, March 16 & 18, 1999.

“From Medical Ethics into Bioethics: The Belmont Report and the Deprofessionalization of Medical Ethics,” Belmont Remembered, University of Virginia, April-16-18, 1999

“Ethics Versus Science: The Impact of the 1880s Anti-Ethics Insurrection on the American Medical Profession,” American Association of Historians of Medicine, Rutgers University, May 7-9, 1999.

“Professional Autonomy,” XI Annual Bioethics Retreat, The Homestead, Virginia 16-19, June, ’99

“The Role of History in Teaching Biomedical Ethics” Ninety-Sixth Annual Meeting of the American Philosophical Association (Eastern Division) Boston, December 28, 1999

“Nietzsche As Bioethicist,” Center for Medical Ethics, University of Virginia, April 8, 2002

- “Ethics Across the Curriculum” (w. R. Cassidy, R. Gurland,), FRN, NYU, Oct. 4, 2002
- “Ethics Across the Curriculum” Universidad Sagrado Corazon (San Juan, PR), Oct 16-18, 2002, co-workshop leaders R. Cassidy (RCC) and R. Gurland (NYU)
- Director: “Workshop on Codes of Ethics,” 5th Annual Meeting American Society of Bioethics and Humanities, Baltimore Oct. 24, 2002
- “E-Consultation: Ethics Consultation over the Internet,” Clinical Ethics Consultation: First International Assessment Summit, Cleveland, April 4-6, 2003.
- “The Practice of Ethics in the Ancient World,” Workshop on Practical Ethics, Faculty Resource Network, New York University, June 4, 2003.
- “British and American Conceptions of Medical Ethics, 1847-1947,” Anglo-American Medical Relations: Historical Insights. Wellcome Trust Centre for the History of Medicine at University College London: June 19-21, 2003.
- “Percival’s Medical Ethics: On the 200th Anniversary of Percival’s *Medical Ethics*,” Joint American Society of Bioethics and Humanities-Canadian Bioethics Society Conference, Montreal, 24 October 2003.
- “A Code of Professional Ethics for Bioethicists?” Fifteenth National Bioethics Retreat, Wintergreen Virginia, June 16-20, 2004.
- “The Place of Trust in Biomedical Research: Historical Perspectives” Conference on Philosophical Societies Session, One Hundred and First Annual Meeting of the American Philosophical Association, 29 December 2004.
- “Codifying the Ethics of Bioethics.” ASBH Spring Conference, The Ethics of Bioethics, Albany-Schenectady NY, April 7-9, 2005.
- “Ethics for Bioethicists,” 17th Annual Bioethics Retreat, Asilomar California, June 12, 2005.
- “On A Code of Ethics for Bioethicists,” Annual Meeting, American Society of Bioethics and Humanities, Washington DC, October 20, 2005.
- “The Irony of Professional Autonomy,” Professional Standards Group Grand Rounds, American Medical Association, October 28, 2005.
- “Ethics During Epidemics, Bio-terrorism and Natural Disasters” (Panel) 103rd Annual Meeting of the American Philosophical Association, Washington DC, 29 December 2006.
- “A Brief History of Research Ethics” and “International Bioethics and Human Rights” for *Certificado de Estudios Superior en Bioética*. FLASCO: Argentina, Buenos Aires, 14-18 May, 2007; CEE-NIH

Advanced Certificate Workshop on Research Ethics, 23 June, Vilnius, Lithuania; Union College Summer Research Workshop 19 July.

“A Code of Ethics for Bioethicists,” (w. K. Kipnis) 19th Annual Bioethics Retreat, Lake George Village, NY, 5 July 2007.

“*Jüdisches Krankenhaus Berlin*, The Holocaust, and the Moral Imagination of Medicine,” Mount Sinai School of Medicine October 2, 2007

“Carrying Codes to Newcastle: Reflections on Benjamin Freedman and the Ethics of Bioethics,” *A Tribute to Benjamin Freedman*, Biomedical Ethics Unit of McGill University, 12 October 2007

“Workshop: Codes of Ethics for Bioethicists” (w K. Kipnis, S. Latham, and D. Ozar) ASBH Annual Meeting, October 18, 2007.

“Workshop: Rationing Antivirals in an Avian Flu Epidemic,” (organizer, w. D. Brock, D. Perlman, S. Philpott, A. Wertheimer). ASBH Annual Meeting, October 19, 2007.

“African American Physicians and the AMA” ASBH Annual Meeting, October 19, 2007.

“Designing an Ethics Across the Curriculum Program” with Anastasia Pease. Presented at the 9th annual SEAC Conference at the Milltown Institute in Dublin, Ireland, on November 15, 2007.

“A Code of Ethics for Bioethicists,” Presented at the 9th annual SEAC Conference at the Milltown Institute in Dublin, Ireland, on November 16, 2007.

“Philosophical Foundations of Bioethics” panel discussion (chair, organizer) Eastern Division Meeting of The American Philosophical Association in Washington, D.C. December 29, 2007.

“A Moral Conservative Approach to Medical Conscience Clauses,” Bioethics International Conference 2008, UN Plaza, May 23, 2008.

“Common Morality,” panel, 10th Annual Meeting American Society for Bioethics and Humanities, Cleveland, 24 October 2008

“The ASBH: Future, Present and Past Tense,” 10th Annual Meeting American Society for Bioethics and Humanities, Cleveland, 2nd October 2008

Panel: “African Americans and the AMA,” Semi-Annual Delegates meeting, American Medical Association, Orlando Florida, November 10, 2008

“The Union College Approach to Ethics Across the Curriculum,” Panel, 10th Annual Meeting Society for Ethics Across the Curriculum, Baltimore, Maryland, 14 November 2008.

“Bioethics: Born in the USA” & “A Short History of Research Ethics” NIH Advanced Certificate Workshop on Research Ethics in the Countries of Eastern Europe and the former Soviet Union, Vilnius University, Lithuania, 13-17 June 2009.

“In Conversation with Robert Baker,” Conversations with Alan Chartok, WAMC, Albany, NY, August 20, 2009

“Translating Lessons From Medical Education To Clinical Ethics Education,” panel, R. Baker, D. Cohen-Tigor, S. Bliss, T. Somer 11th Annual Meeting American Society for Bioethics and Humanities, Washington DC, 17 October 2009.

“Classic Cases in Bioethics: the Disability Perspective,” with Alicia Ouellette, International Conference on *Bioethics and Disability Across the Life Cycle*: Union College 21 May 2010

“From Medical Ethics to Bioethics,” (Hi)story of Bioethics Conference, ESRG Centre for Economic and Social Aspects of Genomics, Manchester, UK, January 25, 2011.

“Accrediting Training Programs and Developing a Code of Ethics for Clinical Ethics Consultation” 7th International Conference on Clinical Ethics Consultation, Amsterdam, the Netherlands, 20 May 2011

“On Dying Well: On Death and Dying in America from the Colonial Period to the Bioethics Revolution,” Internal Medicine Grand Rounds, Fletcher Allen Medical Center, Burlington, Vermont. May 4, 2012

“Does Bioethics Have A Future?” 11th World Congress of Bioethics, International Association of Bioethics, Rotterdam, the Netherlands, June 29, 2012.

“Seminar on the US Department of Health and Human Services’ Advance Notice of Proposed Rule Making for Revisions (ANPRM) to the Common Rule” with Sean Philpott. Capstone Course for the Advanced Certificate Program for Research Ethics in Central and Eastern Europe: Fogarty Program of the US National Institutes of Health, Bioethics Program of Union Graduate College, & Dept. of Medical History and Ethics of Vilnius University, Prague, Czech Republic, July 2, 2012.

COURSES TAUGHT

Undergraduate

Advanced Bioethics, Bioethics, Ethics, Ethical Theory, History of Ethics, International Bioethics, Introduction to Bioethics, Professionalism, Philosophy of Medicine, Philosophy of Sex, Preceptorial: On Life and Death, Seminar On Death and Dying

Graduate and Postgraduate

“Advanced Bioethics” (E-Course, and on-site course), “Seminar on International Bioethics” (E-course, taught on-line), Section AMA Course: “The History and Meaning of Ethics and Professionalism in

Medicine." (E-course, taught on-line). " Professional and Managerial Ethics," Graduate Management Institute, Union College; "Emergence of Modern Medical Morality: From the Enlightenment to the Bioethical Revolution," Hudson-Mohawk Consortium (for faculty from Albany Medical College and 28 other schools), "Research Ethics," Seminar On Death and Dying."

ORGANIZATIONAL AFFILIATIONS

American Association of Historians of Medicine, American Philosophical Association, American Society of Bioethics and Humanities (Chair Affinity Group on the History of Medical Ethics), Hastings Center, International Association of Bioethics, Kennedy Institute of Ethics.

CONSULTING AND REVIEWING

1972-73 Member: Behavioral-Medical Taskforce, Michigan Governor's Taskforce on Victimless

Crime (LEAA Grant 1972 - 33.002).

1978-1986 Referee for Bioethics projects, Social Science and Humanities Research

Council of Canada

1981 General Electric Company: Ethical Issues DNA Research.

1983- Confidential consultant on ethics to several hospitals.

1984- Ethics Committee: Ellis Hospital, Schenectady NY

1985-95 Ethics Committee: Daughters of Sarah Nursing Home.

1985 Consultant for Humanities Computing, Drew University, NJ; Merrimack College. Ma.

1986 Consultant for Humanities Computing, Rust College, Mississippi

Consultant on Humanities Education. Rensselaer Polytechnic Institution, New York.

1987 Reviewer, Medical Ethics: Cornell University Press.

Consultant on Medical Ethics: New York Academy of Science.

1989 Consultant, Medical Ethics, New York Academy of Science

1992- Ethics Committee, Sunnyview Rehabilitation Hospital, Schenectady.

- 1993 Consultant on Humanities education, Rensselaer Polytechnic Institution, New York Reviewer,
Encyclopedia of Bioethics
 Reviewer, *Medical History*
- 1996 Grants reviewer, Wellcome Foundation
- 1997 Reviewer, *Medical History*
 Reviewer, *Medical Humanities Review*
 Reviewer, Oxford University Press
 Reviewer, Wadsworth Publishing Company
- 1998 Reviewer, McGraw Hill
 Reviewer, Wadsworth
 Reviewer, *Medical Humanities Review*
- 1999 Reviewer, Wadsworth
 Reviewer Kluwer Academic Publishers
 Grants Reviewer, National Humanities Center
 History Reviewer, American Society of Bioethics and Humanities
 Consultant, American Medical Association
 Reviewer, *Journal of Medicine and Philosophy*
- 2000 Reviewer, Cambridge University Press
 Reviewer, Rodopi Publishers
 Panelist NEH Collaborative Research Projects Program
 History Reviewer, American Society of Bioethics and Humanities
- 2001 Reviewer, Cambridge University Press
 Reviewer, Wadsworth
 Reviewer, *Journal of Social Philosophy*
- 2002: Reviewer: Oxford University Press
 Reviewer: *Journal of Medicine and Philosophy*
 Consultant: AHRQ-NEH
 Board of Consulting Editors, *Encyclopedia of the Philosophy of Sex*, Greenwood Press.
 Consultant judicial conduct revision committee, Supreme Court of Puerto Rico
- 2003 Reviewer: *Theoretical Medicine and Bioethics*
 Reviewer: *American Journal of Bioethics*

- Reviewer: *Journal of Clinical Ethics*
- 2004 Reviewer *American Journal of Bioethics*
 Grants Reviewer, the Wellcome Trust (Bioethics)
 Reviewer, Routledge (UK)
- 2005 NIH, National Library of Medicine Panel Reviewer
 External Program Reviewer: Department of Medical Humanities, E. Carolina University.
 Reviewer *American Journal of Bioethics*, *Developing World Bioethics*
- 2006 Reviewer: *American Journal of Bioethics*
 Expert panelist: National Science Advisory Board for Biosecurity (NSABB)
 Reviewer, *Bulletin History of Medicine*
- 2007 Reviewer, ASBH (History)
 Reviewer, Palgrave/Macmillan
 Reviewer, Oxford University Press
 Reviewer, *Ethics & International Affairs*, Carnegie Council, New York
 Reviewer, *Kennedy Institute of Ethics Journal*
- 2008 Panel reviewer: NIH National Library of Medicine
 ASBH (History of Medical Ethics papers, national conference)
 Reviewer: *Bioethics*
 Reviewer: *Kennedy Institute of Ethics Journal*
 External Reviewer for Tenure and Promotion,
 McGill University (Department of Medical Ethics),
 University of Rochester, Division of Medical Humanities, Ethics and Palliative Care
- 2009 Wake Forest University: External Reviewer of Center Proposal
Bioethics
Kennedy Institute of Ethics Journal
- 2010 Articles, manuscripts, grant proposals reviewed for
- *Bioethics*.
 - *Kennedy Institute of Ethics Journal*
 - National Institutes of Health/National Library of Medicine
 - Oxford University Press,
 - Wellcome Trust
- 2011 Articles, manuscripts, grant proposals reviewed for
- *Bioethics*
 - National Institutes of Health

- National Library of Medicine
- Oxford University Press
- *Annals of Internal Medicine*

2012 Articles, manuscripts, grant proposals and tenure candidate scholarship reviewed for

- *American Journal of Bioethics*
- American Society for Bioethics and Humanities
- *Bioethics*
- UNESCO Bioethics Education Committee
- Scientific Committee ICCEC 2013 International Conference for Clinical Ethics Consultation
- Tenure Reviewer U. Purdue/Fort Wayne
- National Library of Medicine (NIH) Scholarly Works Grants Review
- (Oct) Tenure reviewer UNC Charlotte
- (Nov) *Journal of Race and Social Problems*
- (Nov) Oxford University Press x 2 manuscripts
- (Nov) *Developing World Bioethics*

2013 Articles, manuscripts, grant proposals and tenure candidate scholarship reviewed for

- Wheaton College—tenure review
- Reviewer for *Ethiek en Gezondheid* 2012-2015 (Netherlands).